

NHS Grampian and NHS Orkney

NHS Grampian and NHS Orkney Response to the Call for Evidence re the British Sign Language (Scotland) Bill

1. Question One

Do you think we need to change the law to promote the use of BSL and, if so, why?

Response

There are a number of options. The main ones are:

- **New primary legislation for Scotland**
This is a viable option but might encourage other disability related groups to also seek primary legislation to further their particular aims.
- **A voluntary code of conduct/guidance**
This could be tried. If it did not work, new primary legislation could be introduced
- **Re-interpreting or adding to existing legislation**
The General Duty of the Disability Discrimination Act 2005 requires public bodies to:
 - a). promote equality of opportunity for disabled people
 - b). eliminate discrimination
 - c). eliminate harassment of disabled people
 - d). promote positive attitudes towards disabled people
 - e). encourage participation by disabled people in public life
 - f). take steps to meet disabled peoples' needs, even if this requires more favourable treatment

The Scottish Government, if they wished, could make it clear either by a policy statement or by Scottish supplementary legislation that when deaf people use public services, the public services (to meet their responsibilities under the terms of Sections a) and f) above) must provide BSL interpretation if requested. The Equality and Human Rights Commission for Scotland, could then be requested to monitor compliance. The Equality Act 2010 also echoes this requirement.

Re-interpreting existing legislation is our preferred option.

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2. Question Two

Will the Bill lead public bodies to increase the use they make of BSL services?

Response

Main benefits

Consistency

At present, many public bodies in Scotland are exemplary in their provision of BSL services for deaf people. Sadly, others are not. The proposed Bill, or other options, would help to ensure a consistent quality of service provision across Scotland.

Higher profile

BSL services would be given a higher profile.

Main challenges

In Scotland there is a chronic shortage of BSL interpreters in some areas

In Grampian there are only four qualified BSL interpreters. Often, NHS outpatient appointments have to be rearranged or planned around the availability of BSL interpreters.

If a greater availability of trained BSL interpreters was specified by legislation when deaf people accessed public services, in Grampian this simply could not be met without more BSL interpreters being trained and being available.

On Orkney, there is only one BSL interpreter, who covers the Orkney mainland and all of the smaller Islands. This lack of capacity is a serious issue.

In 2013/14, NHS Grampian expenditure on BSL interpreters was £44,200. This expenditure will continue to increase year by year.

If public bodies were required to make BSL interpreters more readily available **without** an increase in the number of BSL interpreters, this would greatly increase demand for a limited resource.

This increase in demand for a limited number of trained BSL interpreters would inevitably lead to higher charges being levied by the BSL interpreters. This would result in public bodies simply having to pay more for the same volume of service.

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3. Question Three

Could there be unintended consequences for other languages or forms of communication used by deaf communities?

Response

Yes.

(i) Lip reading for people with Acquired Profound Hearing Loss

Not all deaf people wish to learn BSL. Some people with Acquired Profound Hearing Loss find that their friends, relatives and work mates cannot communicate using BSL.

Accordingly, more resources should be put into teaching the deafened person lip reading skills or at least give them the choice of learning both lip reading and BSL. The BSL Bill ignores this other important means of communication.

(ii) Texting, 3G Mobile Phone Technology and Computers

Many younger deaf people use texting as a means of communication. They can also use mobile phone video imaging to either lip read each other or sign. Could these skills be taught to the older generation of BSL users and lip readers who perhaps are not aware of the benefits of these technical advances or who perhaps cannot afford them? Could the Scottish Government actually fund SMART phones and training for deaf people?

Could the Scottish Government fund computers for deaf people and provide training? Emails and Skype are other ways to enable deaf people to be pro-active in their communication to others.

4. Questions Four and Five

Proposed Scottish Parliament Performance Review process.

Response

Given the large volume of work already undertaken by the Scottish Parliament, it is suggested that this duty should be carried out at a more local level by the Equality and Human Rights Commission for Scotland (EHRC). Indeed, it could be suggested that the EHRC should already be carrying out this duty.

5. Questions 6-9

BSL Authority Plans

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Response

BSL provision should already be an integral part of the Equality Outcomes, which public bodies are required to publish and implement as part of the Equality Act 2010 (specific Duties (Scotland) Regulations 2012). The BSL Authority Plans would simply duplicate this work.

If Public Authorities did not include BSL provision in their Equality Outcomes, the EHRC could make this provision a mandatory element.

6. General points

How to increase the numbers of BSL interpreters and BSL Communicators available in Scotland

There are two suggestions we would wish to put forward:

(i) Training employees in Public Bodies to be BSL Communicators

In 2012/13, 16 NHS Grampian Staff completed the: "Introduction to BSL" Course and then went on to complete the BSL Level One Course. This group are now working on BSL Level Two Training. If staff reach Level Two or Three, they will become proficient BSL "**Communicators**" with a recognized SQA qualification. Communicators are not SASLI registered.

However, NHS Grampian is only able to fund 50% of this SQA Communicator training, the balance was paid by the staff themselves. The training is being carried out in the evenings in the staff's own time.

Further "Introduction to BSL" Courses will be run as a stepping stone to the higher SQA qualifications.

It would be good to see NHS staff and staff in other public bodies fully funded to obtain the BSL Level Two and Three SQA qualification.

Upon completion of their training as Communicators, it is suggested that staff should become eligible to receive an additional allowance of perhaps £3,000 to £4,000 per year in their salary, provided they were willing to continue to use their skills on an ongoing basis. This would give them some reward for their efforts and commitment. It would also embed BSL Communicators as an integral part of a public body. At present, there is no mechanism within the NHS pay structures for any financial enhancement for attaining the BSL Level Three standard.

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(ii) Full Time BSL Funded Training Courses for BSL Interpreters and BSL Communicators

It is suggested that full time BSL Interpreter and Communicator Training Courses could be established as fully funded courses i.e. fees paid and students receiving a salary while training, similar to those undergoing nurse training. This would encourage more people to take up the training.

There should also be a Scottish Government backed scheme to give newly qualified freelance BSL interpreters a guaranteed income for their first three years, post qualification.

Nigel Firth,
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